

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, with sufficient postage, in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450, on the below date:  
 Date: September 2, 2004 Name: John C. Freeman, Reg. No. 34,483 Signature: *John C. Freeman*

BRINKS  
 HOFER  
 GILSON  
 & LIONE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Appln. of: Erich Strasser et al.

Int'l Appln. No.: PCT/EP02/13547

Int'l Filing Date: November 30, 2002

US Pat App S/N: 10/500,787

Filed: July 2, 2004

For: POSITION MEASURING DEVICE

Attorney Docket No: 56-436

Examiner: Unassigned

Art Unit: Unassigned

Mail Stop Amendment  
 Commissioner for Patents  
 P. O. Box 1450  
 Alexandria, VA 22313-1450

TRANSMITTAL

Sir:

Attached is/are:

- ☒ Transmittal Letter (in Duplicate); Information Disclosure Statement; PTO Form 1440; Three (3) of References Cited (A2-A4).  
☒ Return Receipt Postcard

Fee calculation:

- ☒ No additional fee is required.  
☐ Small Entity.  
☐ An extension fee in an amount of \$\_\_\_\_\_ for a \_\_\_\_\_-month extension of time under 37 C.F.R. § 1.136(a).  
☐ A petition or processing fee in an amount of \$\_\_\_\_\_ under 37 C.F.R. § 1.17(\_\_\_\_).  
☐ An additional filing fee has been calculated as shown below:

					Small Entity			Not a Small Entity	
	Claims Remaining After Amendment		Highest No. Previously Paid For	Present Extra	Rate	Add'l Fee	or	Rate	Add'l Fee
Total		Minus			x \$9=			x \$18=	
Indep.		Minus			x 43=			x \$86=	
First Presentation of Multiple Dep. Claim					+\$145=			+\$290=	
					Total	\$		Total	\$

Fee payment:

- ☐ A check in the amount of \$\_\_\_\_\_ is enclosed.  
☐ Please charge Deposit Account No. 23-1925 in the amount of \$\_\_\_\_\_. A copy of this Transmittal is enclosed for this purpose.  
☐ Payment by credit card in the amount of \$\_\_\_\_\_ (Form PTO-2038 is attached).  
☒ The Director is hereby authorized to charge payment of any additional filing fees required under 37 CFR § 1.16 and any patent application processing fees under 37 CFR § 1.17 associated with this paper (including any extension fee required to ensure that this paper is timely filed), or to credit any overpayment, to Deposit Account No. 23-1925.

*September 2, 2004*  
 Date

Respectfully submitted,

*John C. Freeman*  
 John C. Freeman (Reg. No. 34,483)

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop Amendment Commissioner for Patents, P.O. Box 1450 Alexandria, VA 22313-1450 on September 2, 2004.

Name of Registered Representative:

John C. Freeman  
John C. Freeman, Reg. No. 34,483

September 2, 2004  
Date of Signature

PATENT  
CASE NO. 56/436

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application:	)	
	)	
Erich Strasser et al.	)	
	)	Group Art Unit: unassigned
	)	
International Patent Application	)	
No. PCT/EP02/13547	)	
	)	
International Filing	)	
Date: November 30, 2002	)	
	)	
U.S. Patent Application	)	
Serial No.: 10/500,787	)	
	)	
Filed: April 29, 2003	)	
	)	Examiner: unassigned
	)	
For: POSITION MEASURING DEVICE	)	

**INFORMATION DISCLOSURE STATEMENT**

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In compliance with Applicants' duty of disclosure under 37 C.F.R. § 1.56 and in conformance with 37 C.F.R. §§ 1.97-1.98, Applicants hereby submit the following references for

consideration by the Examiner. Copies of the references, except U.S. Patent No. 4,631,519, are enclosed along with a completed copy of Form PTO-1449. A copy of U.S. Patent No. 4,631,519 is not being supplied pursuant to the waiver of the rules presented in the U.S. Patent and Trademark Office Official Gazette Notice dated August 5, 2003.

**I. DISCLOSURE**

**A. U.S. Patents**

<u>Patent No.</u>	<u>Inventor</u>	<u>Issue Date</u>
4,631,519	Johnston	12/23/86

**B. Foreign Patents**

<u>Reference No.</u>	<u>Country</u>	<u>Pub. Date</u>
2 126 444 A	U.K.	03/21/84
WO 02/01160 A1	WIPO	01/03/02

**C. Literature**

1. Stevenson, J.T.M. et al., "Absolute Position Measurement Using Optical Detection of Coded Patterns," Journal of Physics E/Scientific Instruments Vol. 21, No. 12, 1988, pp. 1140-1145.

**II. DISCUSSION**

**A. WIPO Patent Reference No. WO 02/01160 A1**

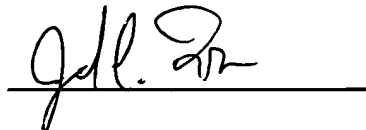
The '160 patent reference was cited in an Examination Report (copy enclosed) and was cited as an X-type reference in a Search Report for a corresponding PCT patent application. An

X-type reference is a document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is taken alone.

### III. CONCLUSION

It is believed that none of these references, alone or in combination, disclose or suggest the invention claimed. However, Applicants wish to make it clear that the disclosure of the above references is in no way an admission that they qualify as prior art. It is Applicants' desire, however, to have these references available in the record for both the Examiner and the public to see. Applicants therefore request that the Examiner review the entire disclosure of each reference and make the above-listed references of record.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "J.C. Freeman", is written over a solid horizontal line.

John C. Freeman  
Registration No. 34,483  
Attorney for Applicants

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Dated: September 2, 2004

FORM PTO-1449	SERIAL NO. 10/500,787	CASE NO. 56-436
<b>LIST OF PATENTS AND PUBLICATIONS FOR APPLICANT'S INFORMATION DISCLOSURE STATEMENT</b> (use several sheets if necessary)	FILING DATE July 2, 2004	GROUP ART UNIT Unassigned
APPLICANT(S): Erich Strasser et al.		

**REFERENCE DESIGNATION U.S. PATENT DOCUMENTS**

EXAMINER INITIAL		DOCUMENT NUMBER <small>Number-Kind Code (if known)</small>	DATE	NAME	CLASS/ SUBCLASS	FILING DATE
	A1	4,631,519	12/23/1986	Johnston		

**FOREIGN PATENT DOCUMENTS**

EXAMINER INITIAL		DOCUMENT NUMBER <small>Number-Kind Code (if known)</small>	DATE	COUNTRY	CLASS/ SUBCLASS	TRANSLATION YES OR NO
	A2	2 126 444 A	03/21/1984	U.K.		No
	A3	WO 02/01160 A1	01/03/2002	WIPO		No

EXAMINER INITIAL	<b>OTHER ART – NON PATENT LITERATURE DOCUMENTS</b> (Include name of author, title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date page(s), volume-issue number(s), publisher, city and/or country where published.					
	A4	Stevenson, J.T.M. et al., "Absolute Position Measurement Using Optical Detection of Coded Patterns," Journal of Physics E/Scientific Instruments, Vol. 21, No. 12, 1988, pp. 1140-1145.				

EXAMINER	DATE CONSIDERED
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EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.